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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/025,710 | 12/19/2001 | Joel E. Cordsmeyer | BELL-0126/01117 | 5967 |
| 38952 | 7590 | 10/14/2005 | | |
| WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103 | | | EXAMINER TON, DANG T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2666 | |

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/025,710 | Applicant(s) CORDSMEYER ET AL. | |
| | Examiner DANG T. TON | Art Unit 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9 line 3, "cilli code" is vague and indefinite because it is not known what "cilli code" applicant is referring to.

3. Claims 1-10 are objected to under 37 C.F.R. 1.75 because of the following formalities:

In claim 1 lines 3-5, "DSL multiplexors" seems to refer back to "DSL multiplexors" recited at line 2. If this is true, it is suggested to change "DSL multiplexors" should change to --- the DSL multiplexors ----.

Claims 2-10 are rejected since they depend from claim 1.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawson et al. (6,028,867) in view of Elliott et al. (2004/0022237).

For Claims 1-6,8-10, and 19, Rawson et al. disclose a method/system comprising:

for at least one multiplexor identified at the element management system (see box 131-134 in figure 1),

identifying to the multiplexor the characteristics of a card to be placed in at least one of the ports on the multiplexor (see column 10 lines 32-42);

identifying to the multiplexor the characteristics of card be placed in at least one of the ports of the multiplexor comprises identifying at least one of a card type, card profile, and a software version (see column 10 lines 32-42) ;

the step of identifying unplanned multiplexor (see column 10 lines 32-42);

the step of identifying incorrectly planned ports (see column 10 lines 32-42);

computer executable processor for executing instructions (see box 110 in figure 2);

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storing computer executable for at least one multiplexor identified at the element management system, identifying to the multiplexor the characteristics of a card to be placed in at least one of the ports on the multiplexor (see column 10 lines 32-42).

For claims 1-6,8-10, and 19 , Rawson et al. disclose all the subject matter of the claimed invention with the exception of querying an element management system for the multiplexors in a communications network. Elliott et al. from the same or similar fields of endeavor teaches a provision of querying an element management system for the multiplexors (see column 30 , paragraph 0740). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use querying an element management system for the multiplexors as taught by Elliott et al. in the communications network of Rawson et al.

The querying an element management system for the multiplexors can be implemented/modified into the network of Rawson's reference since it does teach cards for DSL multiplexors. The motivation for using querying an element management system for the multiplexors as taught by Elliott et al. into the communications network of Rawson being that it provides managing resources in the broadband network.

6. Claims 11-18 are allowed.

For claims 11-18, the prior art fails to teach a combination of

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retrieving from an element management system an identification of one or more multiplexor devices;

retrieving from one of the multiplexor devices identified by the element management system information identifying the planning multiplexor device; and status of ports on the forwarding planning information to the multiplexor device.

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rakib et al. (6,889,385) is cited to show a system which is considered pertinent to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



D. TON
PRIMARY EXAMINER